THORNE • GRODNIK

LLP

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420 Lincolnway West
P.O. Box 1210
MISHAWAKA, INDIANA 46546-1210
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E-Mail jwoods@tglaw us

OF COUNSEL CHARLES H GRODNIK JOSEPH C ZAKAS

Retired
WILLIAM A THORNE

July 1, 2011

Via Federal Express

U.S. ENVIRONMENTAL AGENCY c/o Grace Co 77 West Jackson Boulevard, SE5J Chicago, Illinois 60604-3590

Re: Central States Fabricating Corporation
Lusher Street Groundwater Contamination Site, Elkhart, Indiana

Dear Sir or Madam:

Enclosed please find Central States Fabricating Corporation's response to the Request for Information pursuant to Section 104(e) of CERCLA for Lusher Street Groundwater Contamination Site, Elkhart, Indiana. After review of the response, should you have any questions, please do not hesitate to contact the undersigned directly.

Very truly yours,

THORNE • GRODNIK, LLP

Jamie C. Woods

JCW: lab Enclosure

cc: Mr. Tom Krueger (via e-mail)

US EPA RECORDS CENTER REGION 5

PRELIMINARY COMMENTS

Central States Fabricating Corporation ("Central States") is an Indiana Corporation duly existing and authorized under the laws of the State of Indiana Central States is in receipt of your Request for Information (the "Request") from your agency regarding the Lusher Street Contamination The Request and accompanying materials was sent to 2729 17th St, Elkhart, Indiana Please be advised that this address is incorrect and Central States has never operated at this address Central States operated at 2720 17th St, Elkhart, Indiana

Preliminarily, the address 2720 17th St, Elkhart, Indiana where Central States operate is not located within the "Site" as defined in the Request or as set forth on Site Map 2 attached to the Request. I hat being said, Central States understands from a discussion with Thomas Krueger, attorney for the EPA that the "Site" as defined in the Request was an initial definition that may be subject to modification. Accordingly, your agency has requested that Central States respond to the Request. Central States received an extension of time until July 1, 2011 to respond to the Request.

RESPONSE TO INFORMATION REQUESTS

State the dates during which you or your company have owned, operated, or leased a facility or any part thereof located within the boundaries of the Site and provide copies of all documents evidencing or relating to such ownership, operation or lease arrangements (e g) including but not limited to purchase and sale agreements, deeds, leases, etc)

RESPONSE: Central States does not own, operate or lease any facility or any part thereof that is located within the boundaries of the "Site" as defined in the Request and accompanying documents. Central States is located at 2720 17th St., Elkhart, Indiana 46517 (the "Property"). This address where Central States operated, was not located within the Site. Central States acquired the property located at 2720 17th St., Elkhart, Indiana through purchasing the property in 1970. Central States moved into the facility and began operating on the Property in the Fall of 1971. Central States stopped operating on the Property and moved to a new facility outside of Elkhart, Indiana on March 31, 2011 due to an expansion in its business. Attached hereto as Exhibit "1" is the deed evidencing ownership of the Property.

- Did you or any other person or entity ever use, purchase, store, treat, dispose, transport or otherwise handle any material containing chlorinated solvents, including but not limited to, trichloroethylene (TCE); trichloroethane (1,1,1-TCA); dichloroethene (trans 1,2-DCE; cis-1,2-DCE; or 1,1-DCE) or tetrachlorethylene (PCE) at a facility within the boundaries of the Site? If the answer to this question is anything but an unqualified "no," with respect to each facility identify:
 - a) the chemical composition, characteristics, physical state (e g, solid, liquid) of each material;
 - b) who supplied the material;

- c) how, when, and where the material was used, purchased, generated, stored, treated, transported, disposed of or otherwise handled;
- d) the quantity of such materials used, purchased, generated, stored, treated, transported, disposed of or otherwise handled;
- e) all supervisory personnel for areas where chlorinated solvents were identified above. For each person identified, indicate the years during which they were a supervisor and, to the best of your knowledge and belief, their duties and responsibilities.

RESPONSE: Central States did not use, purchase, store, treat, dispose, transport or otherwise handle any material containing chlorinated solvents as described in this Request.

- Identify all past and present solid waste management units (e g, waste piles, landfills, surface impoundments, waste lagoons, waste ponds or pits, tanks, container storage areas, etc) at each facility you or your company have owned, operated, or leased within the boundaries of the Site For each such solid waste management unit, provide the following information:
 - A map shows the unit's boundaries and the location of all known solid waste management units, whether currently in operation or not I his map should be drawn to scale, if possible, and clearly indicate the location and size of all past and present units;
 - b) the type of unit (eg, storage area, landfill, waste pile, etc) and the dimensions of the unit;
 - c) the dates that the unit was in use;
 - d) the purpose and past usage of the unit (e.g., storage, spill containment, etc.);
 - e) the quantity and types of materials (hazardous substances and any other chemicals) located in each unit;
 - f) the construction (materials, composition), volume, size, dates of cleaning, and condition of each unit; and
 - g) if unit is no longer in use, describe how was unit was closed and what actions were taken to prevent or address potential or actual releases of waste constituents from the unit

RESPONSE: Central States has not owned, operated or leased any solid waste management units. Any and all waste generated by Central States was non-hazardous material and was disposed of in HIMCO trash hoppers.

- Identify all leaks, spills, or releases into the environment of any chlorinated solvents or materials containing chlorinated solvents that have occurred at or from any facility you or your company have owned, operated, or leased within the boundaries of the Site In addition, identify:
 - a) when, where, and how such leaks, spills or releases occurred;
 - b) the amount of each leak, spill or release;
 - c) activities undertaken in response to each such leak, spill or release, including the notification of any agencies or governmental units;
 - d) investigations of the circumstances, nature, extent or location of each leak, spill or release, including the results of any soil, water (ground and surface), or air testing undertaken; and
 - e) all persons with information relating to these leaks, spills or releases
 - RESPONSE: Central States did not have any leaks, spills or releases into the environment of any chlorinated solvents or materials containing chlorinated solvents. Central States did not use, purchase, store, treat, dispose, transport or otherwise handle chlorinated solvents.
- Provide copies of all local, state, and federal environmental permits ever granted for any facility (or any part thereof) you or your company have owned, operated, or leased within the boundaries of the Site (e g, RCRA permits, NPDES permits, etc.)
 - RESPONSE: Central States was granted an air release permit from the Indiana Department of Environmental Management. The permit number is 039-7072-00372. A copy of IDEM's issuance of the permit is attached hereto as Exhibit "2".
- 6. Identify any persons or entities, other than those responding to this information request, that may have information about the history, use, purchase, storage, treatment, disposal, transportation or handling of any materials containing chlorinated solvents at any facilities in the area identified as the Lusher Street Ground Water Site
 - RESPONSE: There are no individuals that would have knowledge of the use, purchase, storage, treatment, disposal, transportation or handling of any materials containing chlorinated solvents at Central States because Central States did not use chlorinated solvents.
- To the extent you believe that another person is responsible for any leaks, spills or releases into the environment of any chlorinated solvents or materials containing chlorinated solvents at or from any facility you or your company have owned, operated, or leased within the boundaries of the Site, identify:

- a) the name and address of that person or persons;
- b) when, where, and how such leaks, spills or releases occurred;
- c) the amount of each leak, spill or release; and
- d) the detailed basis for your belief that each such person is responsible for leaks, spills or releases, including any transactional documents, reports, or other documentation supporting your belief

RESPONSE: Central States does not believe that any person has caused any leaks, spills or releases into the environment of any chlorinated solvents or materials containing chlorinated solvents from the Property in Elkhart, Indiana. Central States occupied and used the property continuously from the Fall 1971 until March 31, 2011.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete I am aware that there is significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations

Michael L Cocanower, President Central States Fabricating Corporation Mail Bond and Tax Bills to:

Cocanower Family Limited Partnership 2720 Seventeenth Street Elkhart, Indlana 48617

Transfer No. Taxing Unit Date Key No. 26-08-18-401-001

QUIT-CLAIM DEED

Dec 22.95 CLYDE COCANOWER AND ELLEN L. COCANOWER,

Auditor's Record:

husband and wife, as tenants in common the Grantors,

Edition of Carlotte and

Release and Quit Claim to

DISCLOSURE FEE NOT REQUIREDANONER FAMILY LIMITED PARTNERSHIP.

the Grantee,

for good and valuable consideration, the receipt of which is acknowledged, each an undivided one-half interest in the following real estate located in Elkhart County, Indiana:

> Real estate commonly known as 2720 S. 17th Street, Elkhart, indiana and legally described on the attached Exhibit "A."

Signed and dated this 21st day of Docember, 1995.

12 1. رض.

STATE OF INDIANA

) SS:

COUNTY OF ST. JOSEPH

Before me, the undersigned, a notary public residing in said county and state, personally appeared Clyde Cocanower and Ellen L. Cocanower, of adult age, who acknowledged the execution of the foregoing Quit-Claim Deed and affirmed the truth of the statements contained herein.

in witness whereof, I have hereunto subscribed my name and affixed my official seal this 21st day of December, 1995.

Marie California Congre 一切出口

Charles Rosmer, Notary Public Residing in St. Joseph County My commission expires: May 1, 1998

This instrument was prepared by Charles Rosmer, Rosmer and Mintz, Attorneys at "Law, 1400 Society Bank Building, 202 South Michigan; Bouth Bend, Indiana 48801.

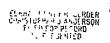
June Kubamasi



EXHIBIT A

A part of the Southeast Quarter (SE 1/4) of Section 18, Township 37 North, Range 5 East, more particularly described as follows:

Beginning at a plow point top under the pavement at the Northwest corner of said Quarter (1/4) section; thence South 0° 56' East along the west line of said Quarter (1/4) section 372.90 feet; thence East parallel with the North line of said Quarter (1/4) Section 556.49 feet; thence North 0° 56' West parallel with the West line of said Quarter (1/4) Section 3.72.90 feet to the North line of said Quarter (1/4) Section; thence West along the North line of said Quarter (1/4) Section 556.49 feet to the place of Beginning, containing 4.76 acres and subject to all easements and restrictions recorded prior to this description. Also subject to all public right-of-ways.



2001 JUN 22 ₱ 12: 3**8** ·

PROJECT: STP-9920()
PARCEL: [4A

WARRANTY DEED

FHIS INDENTURE WITNESSETH, That <u>Cocanower Family Limited Partnership</u> a partnership organized and existing under the laws of the State of <u>Indiana</u>, with its principal office located in <u>ST. JOSEPH</u> County in the State of <u>Indiana</u>,

CONVEYS and WARRANTS TO THE CITY OF ELKHART, INDIANA,

for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, the following described real estate in Elkhart County, Indiana, to-wit:

95°.

NON CONFORMINGS 1-

See Exhibit "A" attached hereto and made a part hereof by reference.

the last deed of record from which the above real estate has been taken was recorded <u>December 22, 1995</u> as Document Number <u>95 028790</u>,

Grantor herein agrees to pay all real estate taxes and assessments levied or assessed against the above-described real estate prior to the date of this deed.

Grantor hereby conveys the above-described real estate free and clear of all leases, licenses, or other interests, both legal and equitable, and all encumbrances of any kind or character.

This document shall constitute a conveyance of the above-described real estate (excepting any parcels specifically designated as easements or as temporary rights-of-way) in fee simple and not merely for right-of-way purposes, and no reversionary rights whatsoever are intended to remain in the Grantor.

Daled this 7th day of April , 2007.

(Elknort City

Page 1 of 3

UNICE TENT REPORTATION

FOR THE PROPERTY OF TH

Dt 36

The undersigned person executing this deed represents and certifies on behalf of the Grantor, that he is a <u>General Partner</u> of the Grantor and has been fully empowered by the Grantor, to execute and deliver this deed and all other such instruments of transfer; that the Grantor is a partnership in good standing in the State of its origin and, where required, in the State where the subject real estate is situate; that the Grantor has full capacity to convey the real estate described; and that all necessary action for the making of this conveyance has been duly taken.

Cocanower Family Limited Partnershi	<u>p</u>			
By Mulai Lounger	<u></u>			
Michael Cocanower, General Part	iner			
		•		
STATE OF INDIANA)			
COUNTY OF ST JOSEPH) SS:			
	,		7 <u>4</u>	
Before me, the undersigned, a Notary Po	ublic in and for said Cor appeared <u>Michael Co</u>	inty and State, this _ canower, General Par	day o	.f
Cocanower Family Limited Partnersh and acknowledged the execution of the	<u>ip</u> , to me known to be	such general partner	of said partners	
its authority. Witness my hand and note		r Bild On Dentili OJ Sal	a parmersnip a	ild by
My Commission Expires	_	~ ·		
10-31-08	•	Make (2 dan	
		Notary Public Printed: 57-1	en L. Es	s/insen
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The undersigned person executing this deed represents and certifies on behalf of the Grantor, that she is a — Of the Grantor and has been fully empowered by the Grantor, to execute and deliver this deed and all other such instruments of transfer; that the Grantor is a partnership in good standing in the State of its origin and, where required, in the State where the subject real estate is situate, that the Grantor has full capacity to convey the real estate described; and that all necessary action for the making of this conveyance has been duly taken.

Charlene S. Estinger, General Pander

STATE OF INDIANA

) SS:

COUNTY OF ST. Joseph

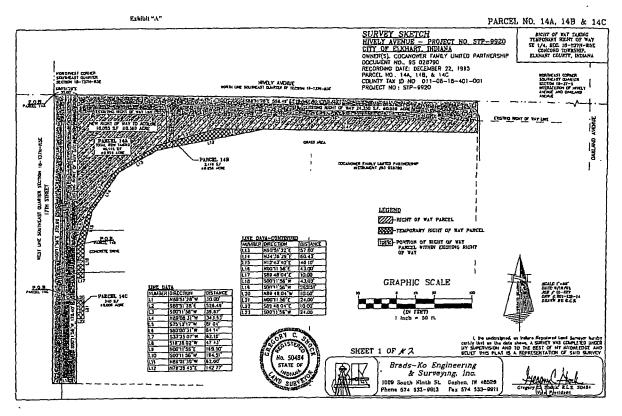
Before me, the undersigned, a Notary Public in and for said County and State, this Temperature of the Coanower Family Limited Partnership, to me known to be such general Partner of said partnership, and acknowledged the execution of the foregoing instrument for and on behalf of said partnership and by its authority. Witness my hand and notarial seal.

My Commission Expires:

Notary Public Printed: Stephene St. Joseph St. Joseph

Page 3 of 3

number in this document, unless required by law, L J Meteiver. This instrument prepared by L.J. Meteiver, Elkhart City Attorney, #10452-98, 229 S Second St, Elkhart, IN 46516.



RIGHT OF WAY TAKING

SE 1/4, SEC. 18-T37N-R5E CONCORD TOWNSHIP,

ELKHART COUNTY, INDIANA

2007 17137

LEGAL DESCRIPTION HIVELY AVENUE REVITALIZATION CITY OF ELKHART. INDIANA

OWNER(S): COCANOWER FAMILY LIMITED PARTNERSHIP

DOCUMENT NO.: 95 028790

RECORDING DATE: DECEMBER 22, 1995 COUNTY TAX ID NO.: 011-06-18-401-001 PROJECT NO.: STP-9920

PARCEL NO.: 14A FEE SIMPLE

LEGAL DESCRIPTION PARCEL NUMBER 14A

RIGHT OF WAY TAKING

A PART OF THE SOUTHEAST QUARTER OF SECTION 18, TOWNSHIP 37 NORTH, RANGE 5 EAST, CONCORD TOWNSHIP, ELKHART COUNTY, INDIANA, AND BEING A PART OF THE PARCEL OF LAND AS DESCRIBED AND RECORDED IN THE OFFICE OF THE RECORDER OF ELKHART COUNTY IN INSTRUMENT NUMBER 95 028790, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 18, THENCE ON AN ASSUMED BEARING OF SOUTH 88 DEGREES 51 MINUTES 28 SECONDS EAST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 18, A DISTANCE OF 555.49 FEET TO THE NORTHEAST CORNER OF THE GRANTOR'S LAND; THENCE SOUTH 00 DEGREES 11 MINUTES 56 SECONDS WEST ALONG THE EAST LINE OF THE GRANTOR'S LAND, A DISTANCE OF 39.67 FEET; THENCE NORTH 89 DEGREES 08 MINUTES 31 SECONDS WEST, A DISTANCE OF 343.53 FEET; THENCE SOUTH 75 DEGREES 13 MINUTES 17 SECONDS WEST, A DISTANCE OF 81.04 FEET; THENCE SOUTH 60 DEGREES 00 MINUTES 31 SECONDS WEST, A DISTANCE OF 62.16 FEET; THENCE SOUTH 33 DEGREES 33 MINUTES 07 SECONDS WEST, A DISTANCE OF 62.16 FEET; THENCE SOUTH 18 DEGREES 38 MINUTES 07 SECONDS WEST, A DISTANCE OF 67.43 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF SEVENTEENTH STREET, THENCE SOUTH 00 DEGREES 11 MINUTES 56 SECONDS WEST ALONG THE EAST RIGHT OF WAY LINE OF SAID SEVENTEENTH STREET, A DISTANCE OF 178.40 FEET TO THE SOUTH LINE OF THE GRANTOR'S LAND; THENCE NORTH 88 DEGREES 51 MINUTES 28 SECONDS WEST ALONG THE SOUTH LINE OF THE GRANTOR'S LAND; THENCE NORTH 00 DEGREES 11 MINUTES 56 SECONDS SET ALONG THE SOUTH LINE OF THE GRANTOR'S LAND; THENCE NORTH 00 DEGREES 11 MINUTES 56 SECONDS EAST ALONG THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 18, A DISTANCE OF 32.09 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION CONTAINING 40,445 SQUARE FEET OR 0.928 OF AN ACRE, MORE OR LESS, INCLUSIVE OF THE PRESENT EXISTING RIGHTS OF WAY OF HIVELY AVENUE AND SEVENTEENTH STREET WHICH CONTAIN 24,350 SQUARE FEET OR 0.369 OF AN ACRE, MORE OR LESS, FOR A NET ADDITIONAL TAKING OF 16,095 SQUARE FEET OR 0.369 OF AN ACRE, MORE OR LESS, BEING SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND PUBLIC RIGHTS OF WAY OF RECORD. BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 18,



DATE: OCTOBER 3, 2005 JOB # 01-227 DRW #: B01-132-14 REVISED DECEMBER 28, 2005

SHEET 2 OF # 2

Brads-Ko Engineering & Surveying, Inc.

1009 South Ninth St. Goshen, IN 46526 Phone 574 533-9913 Fax 574 533-9911 C Shock R.L.S Vice President

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Source Dotails

Source Name:

Central States Fabricating Corp

Source ID:

039-00372

Elkhart

Source Location:

57522 CR 105 S Elkhart IN 46517

County:

SIC:

Source Contact:

Permit Dotails

Please click on the permit number to view a PDF version of the permit in a new window.

* Please Note * that the permit documents presented here are for information purposes only. The signed version, available in IDEM's fileroom, is the legally binding document.

Permit Number:

039-7072-00372 (No Electronic File Exists)

Permit Type:

Construction

Permit Subtype:

Exemption

Permit Writer:

Holly Stockrahm 800-451-6027

Writer Phone#:

Copy Location:

Milestone Details

Current Permit Status:

Issued Clock Days:

16

Milestone	Start Date	End Date		
Application Received	11/01/1996			
Public Notice Begins				
Proposed Internet Upload				
Issued Permit	01/03/1997			

New Search

*These files are in PDF format. To view a PDF file you will need Adobe Acrobat Reader which is available free of charge at Adobe's Website.

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	Company										
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Second business day ** Thursday
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unless SATURDAY Delivery is selected FedEx 3Day Freight Third business day ** Saturday Delivery NOT available * Call for Confirmation ⊿ Packaging FedEx Pak* 3 L Includes FedEx Small Pak, FedEx Large Pak, and FedEx Sturdy Pak 6 NedEx 3 FedEx 4 FedEx 1 Other Tube Declared value limst \$500. Box Envelope* Special Handling Include FedEx address in Section 3. SATURDAY Delivery
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FedEx Standard Overnight



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without obtaining a
signature for delivery

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at a neighboring address may
sign for delivery *Foe applies*.

